

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BRIAN T. KELLY,

Plaintiff,

vs.

JON B. YEAGER, CORY CONWELL and
FFE TRANSPORTATION SERVICE,
INC.

Defendants.

Civil Action No:

COMPLAINT, JURY DEMAND,
DESIGNATION OF TRIAL COUNSEL
AND CERTIFICATION

Plaintiff, Brian T. Kelly, residing at 26 Kohl Street in the Township of South Brunswick, County of Middlesex and State of New Jersey, by way of Complaint against the defendants, says:-

PRELIMINARY STATEMENT

Brian T. Kelly brings this action against Jon B. Yeager, Cory Conwell and FFE Transportation, for compensation for injuries sustained as a result of an automobile accident which occurred in the City of Philadelphia, Pennsylvania. Mr. Kelly is alleging negligence on the part of the defendants.

Mr. Kelly suffered injuries to his neck and back. He suffered economic and non-economic losses.

PARTIES

1. Plaintiff, Brian T. Kelly, is a citizen and resident of South Brunswick, New Jersey.
2. Defendant, Jon B. Yeager, is a citizen and resident of Medford, Oregon.
3. Defendant, Cory Conwell, is a citizen and resident of Norman, Oklahoma
4. Defendant, FFE Transportation Service, Inc. is a corporation with offices in Lancaster, Pennsylvania.

JURISDICTION AND VENUE

4. This Court has jurisdiction to hear this claim based upon Diversity of Citizenship.

5. Venue in the District of New Jersey is appropriate by virtue of plaintiff's residency in the District and defendants' business contacts in the District.

FACTUAL ALLEGATIONS

8. On or about May 16, 2011, the Plaintiff was lawfully operating his motor vehicle along Montgomery Avenue near its intersection with Girard Avenue, in the City of Philadelphia, County of Philadelphia and State of Pennsylvania.

9. On the above date, the Plaintiff, Brian T. Kelly suffered injuries when he was struck by a vehicle owned by defendants, Cory Conwell and FFE Transportation Service, Inc. and being operated by the defendant, Jon B. Yeager, who was acting as the agent, servant and/or employee of the defendants, FFE Transportation Service, Inc. and Cory Conwell.

FIRST COUNT

10. On or about May 16, 2011, the Plaintiff, Brian T. Kelly, while exercising due care, caution, circumspection and utility in a manner foreseeable by the Defendants, was lawfully operating his motor vehicle along Montgomery Avenue near its intersection with Girard Avenue, in the City of Philadelphia, County of Philadelphia and State of Pennsylvania.

13. At the time and place aforesaid the defendant, Jon B. Yeager, acting as the agent, servant and/or employee of the defendants, FFE Transportation Service, Inc. and Cory Conwell, carelessly and negligently operated the motor vehicle owned by defendants, FFE Transportation Service, Inc. and Cory Conwell, which caused the vehicle operated by Defendant, Jon B. Yeager, to strike the plaintiff's vehicle.

14. By reason of the way in which the said defendant, Jon B. Yeager, acting as the agent, servant and/or employee of the defendants, FFE Transportation Service, Inc. and Cory Conwell, carelessly and negligently operated his motor vehicle, a collision occurred causing the said Plaintiff to suffer great pain, and he will in the future be caused to suffer great pain; incur medical expenses and he will in the future incur medical expenses; lose time from his usual and customary daily activities; and suffer serious, severe and permanent injuries, economic and emotional damage.

WHEREFORE, the Plaintiff, Brian T. Kelly, demands judgment against the Defendants, Jon B. Yeager, FFE Transportation Service, Inc. and Cory Conwell, jointly, severally or in the alternative for damages, interest, attorneys' fees and costs of suit.

DEMAND FOR TRIAL BY JURY

The Plaintiff hereby demands a Trial by jury as to all issues herein.

DESIGNATION OF TRIAL COUNSEL

Edward P. Shamy, Jr., Esq. is hereby designated as trial counsel for the Plaintiff.

CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other action or arbitration proceeding now or contemplated. All parties known to plaintiff at this time who should have been joined in this action have been joined.

BY: /s/ Edward P. Shamy, Jr.

DATED: April 18, 2013

EDWARD P. SHAMY, JR.
2300 Route 27
North Brunswick, New Jersey 08902
(732) 821-0400
Attorney for Plaintiff